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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/004,094 | 10/23/2001 | Daniel L. Kowalewski | KOWA.001A | 8433 |
| 28222 | 7590 | 03/25/2004 | | |
| LAW OFFICE OF GLENN R. SMITH 28626 BROOKHILL ROAD TRABUCO CANYON, CA 92679-1163 | | | | |
| | | | EXAMINER WU, XIAO MIN | |
| | | | ART UNIT 2674 | PAPER NUMBER 3 |
| DATE MAILED: 03/25/2004 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/004,094

Applicant(s)

KOWALEWSKI, DANIEL L.

Examiner

XIAO M. WU

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8 is/are allowed.
- 6) ☒ Claim(s) 9-18 is/are rejected.
- 7) ☒ Claim(s) 19 and 20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 18 is indefinite because it depends from itself.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 9-11, 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Berlin, Jr. (US Patent No. 4,160,973).

As to claims 9, 15, Berlin discloses a rotating display comprising: a motor (1006, Fig. 1); a plurality of light emitters (1001A) mounted to the motor, the emitter being modulated as the motor is spun so as to synthesize a pixel display along a warped two-dimensional plane (col. 3, lines 56-59); an inductive coupling providing power and data to the light emitters (col. 2, lines 59-68).

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As to claim 10, Berlin discloses a plurality of display data can be transferred to the light emitters while the light emitters are in motion so as to generated 2-D scrolling and animation effects as well as to update text on the pixel display via an external data source (1015A).

As to claim 11, Berlin discloses that the display data may scroll 360 degrees on a cylindrical plane so that a person may view the pixel display from any surrounding vantage point (col. 2, lines 42-44).

As to claim 16, Berlin discloses combining a power source and the data signal into waveform (Figs. 7A, 7B), inductively coupling the waveform to the display assembly; filtering display assemblies power (see 1036B, Fig. 6A) from the waveform and decoding the data signal form the waveform (see 1051B, Fig. 6B).

As to claim 17, Berlin further discloses switching the power source so as to generate the square wave; interrupting the square wave for a first time period in response to each of the bits that is a one; and interrupting the square wave for a second time period in response to each of the bits is a zero (col. 4, lines 27-32).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berlin, Jr. (US Patent No. 4,160,973).

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As to claim 12, Berlin discloses a bit memory 1024A for storing bit data of the LED arrays. Berlin does not specifically disclose that the bit memory is a bit map memory for store the alphanumeric character. However, it is well known in the art to have used a bit-mapped memory for storing the a predefined alphanumeric character. It would have been obvious to have used a bit-mapped memory for Berlin so that the user can display the predefined element characters on the display.

As to claim 13, Berlin discloses that the memory 1024A is interfaced with computer 1015A. it is inherent that the computer includes a one –button interface and a menu displaying on the screen so that the user can operate the computer.

As to claim 14, Berlin discloses that the computer 1015A can remotely control display electronic 1007A (see col. 5, lines 51-68).

Allowable Subject Matter

5. Claims 1-8 are allowed.

6. Claims 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claim 18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: None of prior art references teaches or suggest the limitation of “an elongated, generally planar control assembly fixed mounted to said based between said motor and said display assembly,

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said control assembly configured to accommodate said shaft" in combination with rest of the claimed limitations as recited in independent claim 1.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The US Patents 5,057,827, 5,444,456, 5,670,971, 6,037,876, 6,115,006, 6,265,984, 6,278,419, 6,486,858 are cited to teach a rotatable display.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xiao Wu whose telephone number is (703) 305-4721.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (703) 305-4709.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:


(703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377

xw

March 21, 2004


**XIAO WU
PRIMARY EXAMINER
ART UNIT 2674**